

NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS

To: All Interested Agencies, Groups, and Persons

This combined notice is intended to meet two separate procedural requirements (58.43(b)(1)).

On or about **December 31, 2024** Erie County proposes to request the U.S. Department of Housing and Urban Development to release federal funds under Community Planning and Development (CPD) Community Project Funding (CPF) Grants pursuant to the authority of the Consolidated Appropriations Act, 2023 (Public Law 117-328) and the Explanatory Statement for Division L of that Act, which was printed in the Senate section of the Congressional Record on December 20, 2022 (Explanatory Statement) for the following project:

Project Title: **Botanical Gardens Expansion**

Purpose: The project involves renovating 14,495 SF +/- of existing space in the 1960 growing range building (including 2 grow houses) and construct a building addition to add 16,500SF +/- of new space (expanded event spaces, classrooms, gift shop, and reception area) adjacent to the growing range building and connecting to the historic conservatory through existing exhibit spaces. The current spaces within the historic conservatory that are used for admissions, retail, and events will be converted to exhibition spaces for the living museum. A 52-space parking lot is planned to support these new amenities. In addition, a new 6" DIP (Ductile iron pipe) waterline for domestic water and a new 8" DIP waterline for fire water are planned, both to be connected through a backflow preventer and meter to the existing 12" City of Buffalo waterline on South Park. Please see documents at erie.gov/bgs for further project details.

CPF Funds

Requested: \$750,000
Location: 2655 S Park Ave, Buffalo, NY 14218
SEQR Status: Negative Declaration issued 11/21/24
Project Number: 631-C617-24
Federal Award Identification Number (FAIN): B-23-CP-NY-1111

An Environmental Review Record (ERR) has been made by the Erie County Division of Planning which documents the environmental review of the project, and more fully sets forth the Finding of No Significant Impact (FONSI) and the reasons why an EIS is not required. Additional project information is contained within this record. The ERR will be made available to the public for review electronically at erie.gov/bgs or <https://cpd.hud.gov/cpd-public/environmental-reviews>. No further environmental review is to be conducted.

As a result of this environmental review, it was determined that the project, and funds used for the same, will not constitute an action significantly affecting the quality of the human environment and accordingly, Erie County has decided not to prepare an Environmental Impact Statement (EIS) under the National Environmental Policy Act of 1969 (PL 91-190).

The reasons for the decision not to prepare such statement are as follows:

There may be minimum negative impacts during the construction phase of this project; however, these impacts are short-term and not of a magnitude that are considered to be significant. The land is owned by Erie County and is currently developed with the historic Lord & Burnham Conservatory, housing the botanical gardens, and ancillary structures (the "Site") managed by the Buffalo and Erie County Botanical Gardens Society, a 501c3 organization (the "Society"); this is an addition/expansion to the existing structures and uses. No construction related waste will be discharged to sanitary and storm sewers and clean-up of any spills will be conducted to protect against infiltration into local storm sewer system. Traffic flows on local and adjacent streets will be temporarily impacted by construction activity over the short term as will air quality due to noise and dust generated by construction equipment. Any adverse effects on the environment will be mitigated by project consultation and compliance with federal, state, county, and local permitting agencies involved in the project, including spill and erosion control plans.

Over the long term, the addition/expansion will provide much needed additional space to accommodate growing public interest with the addition of attractive visitor amenities such as a café, family restrooms, accessibility improvements, an expanded retail gift shop, indoor and outdoor classroom spaces, and climate-controlled special event spaces (for weddings, ceremonies, showers, retirement parties, etc.). The Expansion will enhance opportunities for the County's residents and visitors, while supporting programming and operations in an important and historical cultural site.

All interested agencies, groups, and persons disagreeing with this decision are invited to submit written comments (sent either via U.S. Mail or via e-mail) for consideration by the County to Mariely Ortiz, Senior Planner, Department of Environment & Planning, 95 Franklin Street, #1009, Buffalo, NY 14202 or mariely.ortiz@erie.gov. Comments should indicate they are regarding the Botanical Gardens ERR/FONSI Notice (58.43(b)(2)).

All written comments received at this office on or before **December 30, 2024** will be considered and the County will not request the release of Federal funds or take any administrative action on the project prior to this date.

The Society with support from Erie County will undertake the project described above with federal funds under Community Planning and Development (CPD) Community Project Funding (CPF) Grants from the U.S. Department of Housing and Urban Development (HUD). Erie County is certifying to HUD that Erie County, and Mark C. Poloncarz, in his official capacity as County Executive, consent to accept the jurisdiction of the Federal courts if an action is brought to enforce responsibilities in relation to environmental reviews, decision making, and action; and that these responsibilities have been satisfied. The legal effect of the certification is that upon its approval, the Society and Erie County may use the Community Project Funding (CPF) Grant funds and HUD will have satisfied its responsibilities under the National Environmental Policy Act of 1969.

HUD will accept objections to its release of funds and the *Responsible Entity's* certification for a

period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the *County of Erie*; (b) the Responsible Entity has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. **Objections must be prepared and submitted via e-mail in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to HUD at CPDRROFBUF@hud.gov. Potential objectors should contact HUD to verify the actual last day of the objection period.** Comments should indicate they are regarding the Request for Release of Funds (58.43(b)(2)).

Mark C. Poloncarz
County Executive
95 Franklin Street
Buffalo, New York 14202

Date: December 11, 2024